

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CITI-TALENT, LTD.**

*Plaintiff,*

**VS.**

**JING-SHENG YANG,**

*Defendant.*

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**CASE NO. 3:13-CV-00374-N**

**DEFENDANT YANG’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT OR,  
IN THE ALTERNATIVE, TO TRANSFER AND/OR STAY THE ACTION**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Defendant Jing-Sheng Yang (“Defendant Yang”) respectfully moves this Court for an Order dismissing Plaintiff Citi-Talent, Ltd.’s (“Plaintiff”) Complaint for Declaratory Judgment (“Complaint”) on the grounds that the Complaint constitutes an improper anticipatory filing over which this Court should decline to exercise its discretionary jurisdiction pursuant to U.S.C. § 2201, in favor of the action initiated by Defendant Yang in the United States District Court for the Western District of Michigan, Grand Rapids Division (“Michigan Action”). In addition, the convenience of the parties and witnesses would be best served by dismissing this action in favor of the Michigan Action, which involves the same allegations and underlying dispute.

Alternatively, Defendant Yang moves this Court for an Order transferring this action pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Western District of Michigan, Grand Rapids Division for consolidation with the Michigan Action because, *inter alia*, Michigan is the more convenient forum for the parties and witnesses and such a transfer is

in the interests of justice; or for an Order staying this action pending resolution of the Michigan Action.

Respectfully submitted,

/s/ Robert M. Hailey

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**ATTORNEYS FOR DEFENDANT  
JING-SHENG YANG**

**CERTIFICATE OF SERVICE**

On April 1, 2013, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Robert M. Hailey

Robert M. Hailey